

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Jose Guadalupe Arreguin-Arelllano,  
a.k.a.: Jose Arreguin,  
a.k.a.: Jose Arrequin,

Defendant.

MAGISTRATE NO. 08-0519M

**Order Granting Parties' Joint Motion  
to Extend Time to Indict**

HAVING considered the parties' Joint Motion for Extension of Time to Indict and good cause having been shown;

THE COURT makes the following findings:

- 23        1. Counsel for defendant has only recently been appointed;
- 24        2. The defendant earnestly wishes to consider the plea offer extended by the government;
- 26        3. The defendant wishes to investigate possible defenses prior to considering the government's plea offer, which is made pursuant to a 'fast track' early disposition program authorized by the Department of Justice pursuant to § 401(m) of the Prosecuting Remedies and Tools Against the Exploitation of Children Today Act of 2003 (PROTECT Act), Pub. L. 108-21, 117 Stat.

1 650 (Apr. 30, 2003);

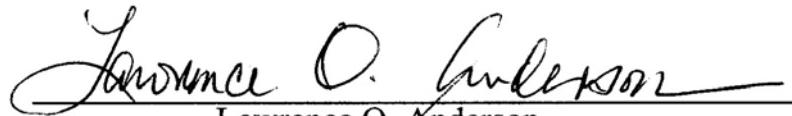
- 2 4. The government's plea offer, if accepted by the defendant and then the  
3 court, would likely reduce defendant's exposure to a significant term of  
4 imprisonment;
- 5 5. If the defendant does not timely accept the plea offer prior to indictment,  
6 the government will withdraw said plea offer and any subsequent plea offer  
7 after indictment would likely be less advantageous to the defendant;
- 8 6. Failure to extend time for indictment in this instance would thus operate to  
9 bar defendant from reviewing the government's plea offer in a meaningful  
10 way prior to indictment;
- 11 7. Granting an extension of time for indictment in this case is likely to result in  
12 the case being resolved earlier, which would further the public's interest in  
13 the timely and efficient administration of justice; and
- 14 8. The ends of justice served by this continuance outweigh the best interest of  
15 the public and the defendant in a speedy indictment.

16 The Court therefore concludes that the ends of justice are best served by granting  
17 an extension of time to present the case to the grand jury and in excluding a period of  
18 thirty (30) days under the Speedy Trial Act. In making this determination, the Court has  
19 particularly taken into account that the failure to grant the Defendant's request "would  
20 deny counsel for the defendant . . . the reasonable time necessary for effective  
21 preparation, taking into account the exercise of due diligence." 18 U.S.C.  
22 § 3161(h)(8)(B)(iv).

23  
24 IT IS HEREBY ORDERED that the parties' Joint Motion for Extension of Time to  
25 Indict requesting an extension of thirty (30) days within which the government may seek  
26 to indict defendant, is hereby granted.  
27  
28

1 IT IS FURTHER ORDERED that pursuant to the Speedy Trial Act, 18  
2 U.S.C. §3161, the Government shall have an extension of thirty (30) days to file a timely  
3 Indictment. Excludable time shall begin to run on the 31st day after arrest for a period of  
4 thirty (30) days in which the Government may present the case to the grand jury.

5  
6 DATED this 15<sup>th</sup> day of December, 2008.  
7

8   
9 Lawrence O. Anderson  
10 United States Magistrate Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28